IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2297 OF 2007

Suresh Narayan Rege .. Petitioner

Versus

The Saraswat Coop.Bank Ltd. & Ors..Respondents

Mr.A.P.Stteenson for petitioner

Mr.Prashant Naik for respondent No.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 10th December 2007

P.C.

. This petition is directed against an order passed by the Divisional Joint Registrar, Cooperative Societies refusing to condone the delay in filing of Revision Application.

2. The delay has not been condoned on the ground that the petitioner is very well aware of the proceedings which were pending. Consent award was passed and the properties have been attached and sold in execution thereof. The surplus proceeds are lying but the petitioner is refusing to accept the same. Mr.Naik submits that there are proceedings after proceedings which the petitioner has instituted to challenge the sale and has failed every where.

3. Learned Divisional Joint Registrar has proceeded on the basis that the petitioner is obliged to explain the delay of every day. Further, the petitioner has been faulted for not being able to state as to when the sale concluded or when did he realise the material irregularity or fraud therein.

4. In my view, all the reasons that are

assigned in para 4 of the impugned order proceed on the basis that the merits of the case are such that the delay does not deserve to be condoned.

5. In the peculiar facts of this case, it was not just and fair approach. In such circumstances, the order under challenge passed on 4th November 2006 is quashed and set aside. The delay is condoned and it is directed that the Registrar should hear and dispose of the Revision application on merits and in accordance with law, provided the petitioner pays costs quantified at Rs.3000/- to be paid to respondents within two weeks from today. Petition disposed of accordingly.

(S.C.Dharmadhikari, J)